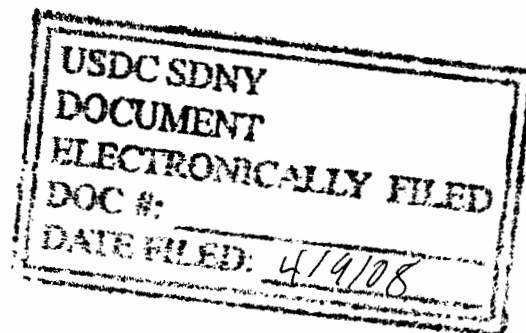


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



MANDAL, et al.,

Plaintiffs

-against-

THE CITY OF NEW YORK,

Defendant.

**STIPULATION OF
DISMISSAL WITH
PREJUDICE**

02 Civ.1234 (WHP)(FM)

HOLMES, et al.,

Plaintiffs

-against-

THE CITY OF NEW YORK,

Defendant.

02 Civ.6537 (WHP)(FM)

WHEREAS, plaintiffs in Shreya Mandal, et al., v. City of New York, et al., 02 Civ. 1234 (WHP)(FM), commenced this action by filing a complaint on or about February 15, 2002, alleging that defendants violated plaintiffs' federal civil and state common law rights; and

WHEREAS, plaintiffs in Shreya Mandal, et al., v. City of New York, et al., 02 Civ. 1234 (WHP)(FM), filed a Third Amended Complaint on or about July 11, 2002, the parties to which are incorporated by reference herein; and

WHEREAS, plaintiffs in Lawrence Holmes, et al., v. City of New York, et al., 02 Civ. 6537 (WHP)(FM), commenced this action by filing a complaint on or about August 15,

2002, alleging that defendants violated plaintiffs' federal civil and state common law rights, the parties to which are incorporated by reference herein; and

WHEREAS, on or about June 14, 2006 plaintiffs Robert Jereski, Darren Kramer, Emily Maxwell, Stephanie DePaola, William Monaghan, Rachel Pfeffer, Amy Starecheski, James Van Bramer, Meryl Steven Rasmussen, Keri Annette Mesner, Erin Kelly, Sam Bain, Evelyn Tamarin and Cecilia Dougherty stipulated to the settlement and dismissal of their claims as to all defendants, with prejudice;

WHEREAS, on or about November 3, 2006 plaintiff Rafael Bueno agreed to the settlement and dismissal of his claims as to all defendants, with prejudice; and

WHEREAS, on or about November 15, 2006 attorneys Jonathan C. Moore and James I. Meyerson were substituted for Constantine P. Kokkoris, Mara Verheyden-Hilliard, Carl L. Messineo and the Partnership for Civil Justice, Inc. as counsel of record for plaintiffs in Lawrence Holmes, et al., v. City of New York, et al., 02 Civ. 6537 (WHP)(FM); and

WHEREAS, on or about November 17, 2006 this action was dismissed as to all defendants by plaintiff Shane Claiborne, with prejudice; and

WHEREAS, on or about November 18, 2006 this action was dismissed as to all defendants for failure to prosecute, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, as to plaintiffs Peter Chung, Sha-King Graham, Stephen Harding, Kim McGillicuddy, Esteban Nembhard, Sally Sasso, Jessica Stern and Sean Maguire, with prejudice; and

WHEREAS, on or about November 27, 2006 all remaining plaintiffs voluntarily withdrew all claims against individual defendants Rudolph Giuliani, Joseph Esposito, George Grasso, Alan Hoehl, Bernard Kerik and Howard Safir, with prejudice; and

WHEREAS, the first phase of a bifurcated trial of the remaining plaintiffs' claims against defendant City of New York was held, commencing on or about November 27, 2006; and

WHEREAS, on or about March 24, 2008 plaintiffs John Moran and Ronald William Duncan, Jr. agreed to a settlement of all remaining claims with defendant City of New York; and

WHEREAS, final judgment has yet to be entered against any remaining plaintiff; and

WHEREAS, the remaining defendant City of New York and the remaining plaintiffs now desire to resolve the issues raised in this litigation, without further proceedings, and without entry of judgment in favor of the prevailing party;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as to all remaining plaintiffs as set forth in the Third Amended Complaint filed in Shreya Mandal, et al., v. City of New York, et al., 02 Civ. 1234 (WHP)(FM), with prejudice, and without costs, expenses, or attorneys' fees to any party.

2. The above-referenced action is hereby dismissed as to all remaining plaintiffs as set forth in the Complaint filed in Lawrence Holmes, et al., v. City of New York, et al., 02 Civ. 6537 (WHP)(FM), with prejudice, and without costs, expenses, or attorneys' fees to any party.

3. In consideration for the dismissal of the above-referenced action as to all remaining plaintiffs, with prejudice, without costs, expenses, or attorneys' fees to any party,

defendant City of New York agrees to waive its right to seek costs against any remaining plaintiff or plaintiffs in this action.

4. In consideration for the dismissal of the above-referenced action as to all remaining parties, all parties agree to forego any appeal or cross-appeal on any claims, or rights of action, which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorneys' fees.


5. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 4, 2008

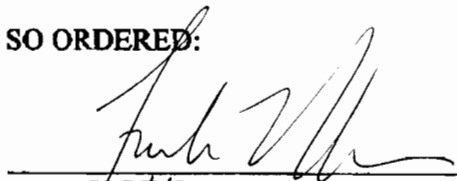
JAMES I. MEYERSON, ESQ
Attorney for Plaintiffs
64 Fulton St. Suite 502
New York New York, 10038
(212) 226-3310

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant
100 Church Street, Room 3-218
New York, N.Y. 10007
(212) 788-0775

By: 
James I. Meyerson

By: 
Elizabeth M. Daitz
Assistant Corporation Counsel
Special Federal Litigation Division

SO ORDERED:


U.S.D.J.